

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Initially the undersigned would like to acknowledge the Examiner's allowance of independent claim 30.

The Examiner in his last office action indicated the subject matter of previously submitted dependent claims 20, 27 and 29 as being allowable. Applicant by the instant amendment has rewritten claims 20, 27 and 29 in independent form. Accordingly, it is respectfully submitted that independent claims 20, 27 and 29 as submitted are in condition for allowance.

The Examiner has rejected previously submitted independent claim 16 under 35 U.S.C. 102(b) as being anticipated by either Lerich '519 or Miller et al. '838. As to how this rejection applies to claim 16 as amended herein, it is respectfully traversed.

With regard to the Lerich '519 document the following should be noted. Essentially in the Lerich '519 citation as shown in Figures 1 and 2, the shaft does have a second end 20 which is relatively wide and a relatively narrow portion 22. However, the expansion sleeve 30 does not extend over the wide portion 20 at all. This is regardless of whether the expansion bolt is in its rest position or whether it is expanded as shown in Figure 2. Further, in the embodiment shown in Figure 6 the shaft 22 is of uniform diameter throughout from the head 24 to the washer 48. Thus, in this embodiment the shaft does not have a widened portion at the end remote from the head 24. The amended claim makes it clear that the anchor member is mounted about the shaft at the relatively narrow portion and both of the adjacent relatively wide portions thereof as shown for example in Figure 5 of the drawings of the present application. This clearly differentiates the

present invention from the Lerich '519 reference.

The Lerich '519 invention clearly does not relate to a yielding rock bolt in any form. It is simply an anchor member which, when tightened up, will engage with the sides of the blind hole. It has no yielding capability whatsoever. In connection with mining situations the ability of the rock bolt to yield is critical. In the Lerich '519 case if the force applied to the sleeve anchor was greater than the strength of the anchor it would break instantaneously and would give no prior warning of that event.

With regards to the Miller et al. '838 citation the inset 15 is only in place in the recess 13, in the shaft 11. Inset 15 does not extend onto the wider portion of the shaft 14. It is simply confined to the recess 13. Further, as with Lerich '519 the device of Miller et al. '838 clearly does not constitute a yielding rock bolt and is essentially irrelevant to the present invention. Claim 16 as amended is of totally different utility to the citations.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and the early issuance of a formal notice of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

By /Gregory P. LaPointe #28395/
Gregory P. LaPointe
Attorney for Applicant
Reg. No.: 28,395

Telephone: 203-777-6628
Telefax: 203-865-0297

Date: July 2, 2009